

**REMARKS**

Upon entry of the Amendment Under 37 C.F.R. § 1.116 filed April 1, 2005, and the present Amendment, which is respectfully requested, claims 1-11, 13-25, 27-39 and 41-43 will be pending.

Claims 1-11, 13-23 and 31-37 are allowed.

Claims 26 and 29 are objected to as being dependent on a rejected base claim. This objection has been overcome by incorporating claim 26 into claim 24, and canceling claim 26, accordingly. Combining claims 24 and 26 overcomes the objection to claim 29, as well, since claim 29 depends from claim 24.

Claims 24, 25, 27, 28 and 30 are rejected. The rejections have been overcome by incorporating claim 26 into claim 24, as discussed above. Claims 25, 27, 28 and 30 depend from claim 24 and are allowable for at least the same reasons as claim 24.

In the present Amendment, claim 40 has been canceled in view of the Examiner's statement that claim 40 is the same as claim 29, which appears to be correct.

The Examiner also indicates that claim 38 is the same as claim 36. Applicants respectfully submit that claim 38 is not the same as claim 36, at least because claim 31, from which claim 36 depends, recites that resin (A) "contains...a repeating unit represented by formula (VII)", whereas claim 38 recites that resin (A) "contains...at least one of repeating units represented by formulae (VI) and (VII)."

The Examiner also indicates that claim 33 is the same as claim 24. Applicants respectfully submit that claim 33 is not the same as claim 24, because claim 24 recites that resin (A) "contains...at least one of repeating units represented by formulae (VI) and (VII)", whereas

claim 31, from which claim 33 depends, recites that resin (A) “contains...a repeating unit represented by formula (VII).”

Still further, the Examiner indicates that claim 17 is the same as claim 3. Applicants respectfully submit that claim 17 is not the same as claim 3, because claim 1, from which claim 3 depends, includes two recitations that claim 17 does not include. Namely, claim 1 recites that R<sub>4</sub> may represent an H atom. And second, claim 1 recites that the resist composition includes at least one of a fluorine-containing and a silicon-containing surfactant.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

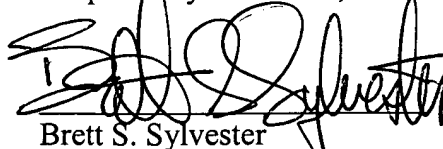
SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Respectfully submitted,



Brett S. Sylvester  
Registration No. 32,765

Date: June 30, 2005